

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) BK. NO. 14-40494-TLS
)
DONALD DELMER FLESSNER) CHAPTER 13
SSN: ####-##-6315)
DEBORAH ANN FLESSNER)
SSN: ####-##-7993)
)

Debtors.

TRUSTEE'S OBJECTION TO CLAIM OF SELENE FINANCE LP - COURT CLAIM #5

COMES NOW, **Kathleen A. Laughlin**, Chapter 13 Trustee, and objects to the claim filed by **SELENE FINANCE LP** for the following reasons:

Pursuant to Federal Rule of Bankruptcy Procedure 3002(c) a proof of claim in a Chapter 13 Bankruptcy proceeding must be filed "not later than 90 days after the first date set for the meeting of creditors". Thus, proofs of claim were required to be filed in this case on or before **8/18/2014**. **SELENE FINANCE LP** did not file a proof of claim until **4/28/2015** and therefore, the claim is untimely filed. The Trustee filed a proof of claim for this creditor pursuant to Federal Rule of Bankruptcy Procedure 3004. However, Rule 3004 does not allow the creditor's claim to supersede the proof of claim file by the Trustee.

WHEREFORE, the Chapter 13 Trustee prays that her objection to the claim of **SELENE FINANCE LP** be granted and the claim disallowed.

DATED: May 5, 2015

s/ Kathleen A. Laughlin
Kathleen A. Laughlin #16883
Chapter 13 Trustee
13930 Gold Circle, Suite #201
Omaha, NE 68144
(402) 697-0437
1-800-884-0437

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Trustee's Objection was served on **FRANCIS X SKRUPA**, debtors attorney via the CM/ECF system of the United States Bankruptcy Court and a copy was mailed on May 5, 2015, by first-class, U.S. mail, postage prepaid to the Debtors and the Creditor at the addresses listed below:

DONALD DELMER FLESSNER
572 7TH ST
UNADILLA, NE 68454

DEBORAH ANN FLESSNER
572 7TH ST
UNADILLA, NE 68454

SELENE FINANCE LP
PO BOX 422039
HOUSTON, TX 77242-4239

s/ Kathleen A. Laughlin
Kathleen A. Laughlin

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NOTICE SETTING RESISTANCE DEADLINE

PURSUANT TO Neb. R. Bankr. P. 9013-1, you are notified as follows:

1. KATHLEEN A. LAUGHLIN, Chapter 13 Trustee, has filed a Trustee's Objection to claim of **SELENE FINANCE LP**.
2. The last day to file a resistance to the proof of claim of **SELENE FINANCE LP** is **5/26/2015**. The Resistance must be served on the Trustee and the Debtor or Debtor's Attorney.
3. If the resistance period expires without the filing of any resistance, the Court will consider entering an order granting the relief sought without further notice or hearing.

DATED: May 5, 2015

s/ Kathleen A. Laughlin
Kathleen A. Laughlin #16883
Chapter 13 Trustee
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Omaha, NE 68144
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s/ Kathleen A. Laughlin
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